

ARTICLE APPEARED
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21 January 1986**Letters****The Lessons of the Richard Nixon Case**

To the Editor:

I should like to comment on "Lessons of the Alger Hiss Case" (Op-Ed, Jan. 8), described as having been adapted from a speech delivered last fall by former President Nixon. Mr. Nixon's article prompts me to deny again the charges that provided the basis for his speech.

My case has often been trotted out to justify reactionary policies far removed from the issues of the case itself, and Mr. Nixon once again tries to make it a connecting thread for his views on a number of world and domestic events. At this time, I shall leave to others the correction of Mr. Nixon's biased views on those general subjects he has dragged in. I shall concern myself here only with the reasons that support my innocence and the invalidity of my conviction.

My case was tried in the hysteria of the early cold-war year of 1949 after sensational hearings by the House Committee on Un-American Activities. Richard M. Nixon did indeed take a prominent part in those hearings and in fomenting the public prejudice hanging over my two trials. Ever since, he has made political capital of his role in my case.

Despite that prejudice and the improper tactics of the prosecution, the jury in my first trial could not reach a verdict. Years later, in the aftermath of Watergate, Congress strengthened the Freedom of Information Act, which enabled me in 1975 to seek Federal Bureau of Investigation and other documents that would disclose the tactics used by the prosecution.

Delays and flat denials met my efforts. Nevertheless, by 1978, I had obtained sufficient documents to warrant filing a petition for a writ of error to overturn my conviction. Those documents showed that the prosecution had withheld exculpatory evidence, misled the judge and jury on the identity and authenticity of the typewriter that was the crucial exhibit in the case and committed other transgressions.

Those documents have been published in facsimile by Hill & Wang in two volumes. Anyone can examine this proof of my assertion that the conviction was a miscarriage of justice. The issue presented is one of fact and common-sense judgment. Any reader can determine whether or not to agree with the judge, himself a Nixon appointee, who denied my petition.

Once more, I assert that I did not engage in espionage. It is still simply Whittaker Chambers's word against mine. In calmer times my word has been accepted, and it will be again. My case seems to be a barometer of the cold war.

I resent, in particular, Mr. Nixon's insinuation, with no basis except Chambers's word, that my late wife engaged in wrongdoing. This seems to me to be of a piece with his practices through the long years since his membership in the House Committee on Un-American Activities in 1948. Perhaps this latest impropriety helps to point up the lessons of the Richard Nixon case.

ALGER HISS

New York, Jan. 9, 1986